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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,848	01/21/2005	Minne Van Der Veen	NL 020670	6183

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER
SCHWARTZ, DARREN B

ART UNIT	PAPER NUMBER
4193	

MAIL DATE	DELIVERY MODE
04/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/521,848</td><td>Applicant(s)
VAN DER VEEN ET AL.</td></tr>
<tr><td>Examiner
DARREN B. SCHWARTZ</td><td>Art Unit
4193</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>09-16-05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 7 and 14 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. Claims 7 and 14 are directed to a program,

per se. The body of the claim is directed to the software instructions of the program

itself. Therefore, it is treated as a program alone. Warmerdam, 33 F.3d at 1361,31

USPQ2d at 1760. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA

1978). See MPEP § 2106(IV)(B)(1)(a).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Shuster, (U.S. Pat 6826546 B1), hereinafter referred to as Shuster.

        Re claims 1, 4, 8 and 11: Shuster teaches a method for identifying a first digital

data sequence, a system for identifying a first digital data sequence, a method for

enabling identification of a first digital data sequence and a system for enabling

identification of a first digital data sequence (col 5, lines 30-35) comprising:

- calculating a first digital fingerprint [generate first checksum] based on at least part of

the first sequence ["initial checksum based upon a small amount of data reduces the

burden on the network and file server"] (Fig 1: elt 116 & 120; col 5, lines 55-58 and lines

61-64),

- comparing the first fingerprint [first checksum] with at least a second fingerprint

associated with at least a second digital data sequence ["compares the first checksum

with a library of known checksum values that are stored in database"] (Fig 1: elt 120,

124 & 128; col 5, lines 65 – col 6, line 1),

- depending on a result of the comparison [Fig 1, elt 128] (col 6, lines 3-7), comparing at

least one digital watermark [generate second checksum] associated with the respective

first and second data sequences ["the second checksum is then uploaded to the server,

and is compared to the library of known checksum values for a match in the database"]

(Fig 1: elt 136, 140, 144 & 148; col 6, lines 8 - 12) and thereby establishing an identity of

the first data sequence (Fig 1: elt 148 & 152; col 6, lines 12-13 and lines 15-18).

 Re claims 2, 5, 9 and 12: Shuster further teaches calculating the at least one

digital watermark [second checksum], where the calculation is dependent on information

contained in the first fingerprint (col 6, lines 20-22). Shuster teaches that both

checksums can be calculated based on the first one thousand bytes.

 Re claims 3, 6, 10 and 13: Shuster further teaches calculating the at least one

digital watermark [second checksum], where the calculation is dependent on information

[Fig 1, elt 128] resulting from the comparison between the first fingerprint [first checksum] and the second fingerprint ["a library of known checksum values that are stored in database"] (col 5, line 64 – col 6, line 8). Shuster teaches the calculation between the second checksums is performed only when the first checksums are validated.

Re claims 7 and 14: Shuster teaches a computer program including software instructions for controlling a computer to perform a method according to claims 1 and 8 (col 2, lines 45-53).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN B. SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS
/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4193
4/08/2008